

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

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MINUTES
LESC MEETING
JUNE 22-24, 2009

Frances Ramírez-Maestas, Director
David Harrell, PhD, Deputy Director

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) meeting to order Monday, June 22, 2009, at 9:22 a.m., in the State Capitol, Room 322, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Mary Jane M. García, Gay G. Kernan, and Lynda M. Lovejoy; and Representatives Rick Miera, Vice Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Jack E. Thomas.

The following LESC advisory members were present:

Senators Vernon D. Asbill and Sander Rue; and Representatives Andrew J. Barreras, Eleanor Chávez, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Karen E. Giannini, and Shirley A. Tyler.

Also in attendance was Senator Carlos R. Cisneros.

Approval of Agenda

On a motion by Representative Gonzales, seconded by Representative Miera, the committee unanimously approved the agenda as presented.

Welcome and Introductions

Senator Nava welcomed those present to the June LESC meeting and; upon her request, the committee members each introduced themselves and identified their districts.

INNOVATIVE DIGITAL EDUCATION AND LEARNING (IDEAL-NM)

Senator Nava recognized Mr. Peter van Moorsel, LESC staff, for a report on the status of the IDEAL-NM initiative. Before beginning his report, Mr. van Moorsel acknowledged individuals in the audience who were present to address committee questions, including Ms. Veronica Chavez-Neuman, Interim Director, IDEAL-NM; Dr. Brian Ormand, from New Mexico State

University, and Dr. Tom Ryan, from Albuquerque Public Schools, both IDEAL-NM advisory board members; Dr. Jim Holloway, Assistant Secretary of Rural Education Division, Public Education Department (PED); and Mr. Brandon Trujillo, Legislative Liaison, Higher Education Department (HED).

Referring to the staff report included in the committee notebooks, Mr. van Moorsel reported that in 2007 LESC-endorsed legislation was enacted to create the *Statewide Cyber Academy Act*. Among its provisions, he explained, the act created a collaborative statewide cyber academy program involving PED, HED, telecommunications networks, and representatives of other state agencies engaged in providing distance education. This collaboration will provide distance learning courses for grades 6 through 12 and professional development for teachers, instructional support providers, and school administrators.

Also in 2007, he added, the Legislature appropriated funds to implement IDEAL-NM, a statewide eLearning delivery system for P-12, higher education, and state agencies.

The structure of IDEAL-NM, Mr. van Moorsel explained, consists of three main components:

- (1) a statewide eLearning services center, which is the physical location for the IDEAL-NM cyber academy staff who provide support for users of the statewide learning management and web-conferencing systems;
- (2) the statewide eLearning system, which is the infrastructure that supports all aspects of online learning, the most important piece of which is the learning management system (LMS); and
- (3) a cyber academy serving grades P-12 statewide which operated as a pilot in school year 2007-2008 and which officially opened in school year 2008-2009.

Since 2007, Mr. van Moorsel noted, the Legislature has appropriated approximately \$10.1 million to support the implementation of IDEAL-NM, including \$7.4 million to HED and approximately \$2.67 million to PED.

According to PED, Mr. van Moorsel reported, 45 in-house courses have been developed and seven additional courses will be completely developed by the fall of 2009, for a total of 52 self-developed courses. PED reports, he added, that the average cost to develop a cyber academy course is approximately \$7,200. He cited two advantages for the statewide cyber academy in developing, housing, and maintaining its own courses: (1) repeated use of the same course in multiple semesters and school years without having to pay the fees charged by online course vendors; and (2) greater control over course content, allowing the cyber academy to ensure that the online courses are aligned with the state's academic performance standards as required.

With regard to course enrollment costs, Mr. van Moorsel reported that one of the main costs of the cyber academy is the teacher's salary. He indicated that school districts do not pay their teachers extra for courses that they teach via the cyber academy. Rather, IDEAL-NM contracts with the teachers, who are paid a per-student fee for each semester-long course that they teach via the cyber academy. According to IDEAL-NM, he noted, school districts are required to pay \$200 per semester seat (equivalent to one student enrolled in one semester-long class) to cover teacher and other support costs. The cost of \$200 per semester seat, he explained, is based on the average returning teacher salary (\$59,000), divided by the average number of classes taught per year (10), and divided by the average number of students per class (197).

Mr. van Moorsel reported that the requirement in the federal *No Child Left Behind Act of 2001* (NCLB) that all teachers of core academic areas be highly qualified applies to teachers of online courses as well as to teachers of traditional courses. According to IDEAL-NM, he stated, an eTeacher must possess a teaching endorsement that corresponds to the content area being taught and have experience as an online learner. And, he stated, PED reports that eTeachers must complete the IDEAL-NM/Regional Educational Technology Assistance (RETA) eTeacher Training or equivalent training aligned with the online teaching standards developed by the North American Council for Online Learning to prepare eTeachers in both the pedagogical aspects of quality online teaching and the technical aspects of teaching. To continue teaching online courses, Mr. van Moorsel indicated, eTeachers must complete a minimum of 16 hours each year of professional development activities specific to online teaching and submit an annual professional development report that summarizes their professional development activities and identifies how knowledge gained in those activities has been applied to their teaching.

Most of IDEAL-NM's implementation, Mr. van Moorsel explained, has centered on P-12 education. However, some features of the other two components—higher education and state training—are currently in place. He reported that, when fully implemented, IDEAL-NM will allow higher education and dual credit students to register for higher education courses at all institutions throughout the state via the IDEAL-NM web-portal. With regard to state staff training, he continued, IDEAL-NM calls for the development of online courses to be used by New Mexico governmental agencies. Mr. van Moorsel reported that among the advantages to this development are reduced employee travel time and associated costs, expanded training opportunities, and self-paced instruction and flexible scheduling.

Mr. van Moorsel concluded his report with a policy option concerning the grade levels served by the cyber academy. He explained that IDEAL-NM aims to provide eLearning services in grades P-12; however, the *Statewide Cyber Academy Act* requires that the statewide cyber academy provide distance learning courses only for grades 6 through 12. To authorize the statewide cyber academy to develop and provide courses for students in pre-kindergarten through grade 5, Mr. van Moorsel said the committee may wish to endorse legislation expanding the statewide cyber academy to serve the students in these grades.

Committee Discussion:

In response to a committee member's question regarding courses from higher education institutions and student enrollment through IDEAL-NM, Dr. Chavez-Neuman explained that students can search a clearinghouse of 8,000 online courses by topic and by institution and enroll by clicking on the link to the desired institution.

Senator Nava recognized Ms. Virginia Padilla-Vigil, IDEAL-NM staff, PED, to explain what help is available for students. Ms. Padilla-Vigil described a readiness survey developed by IDEAL-NM to help students decide if they are ready for online learning. She said that site coordinator training is provided to teachers, administrators, and counselors; and that students can work with a site coordinator to teach them how to monitor their own progress. In addition, she said, a student success plan and a quality assurance plan are being more fully implemented this year.

In response to a committee member's question relating to possible school district disagreement with a grade for online courses, Ms. Padilla-Vigil responded that IDEAL-NM recommends a grade; however, the school district has the responsibility to confer the grade.

In response to a committee member's question whether an online course could be used for intervention in the second grade, Ms. Danielle Montoya, IDEAL-NM staff, PED, responded in the affirmative and noted that some districts and regional education cooperatives statewide are employing online learning to supplement classroom instruction.

In response to a committee member's question about the availability of federal stimulus funds to support IDEAL-NM, Dr. Holloway described an initiative to expand broadband internet to rural areas with stimulus money, explaining that IDEAL-NM did not focus on broadband infrastructure.

The committee discussion addressed a number of other points, among them: the possibility of collaboration between IDEAL-NM and the Cultural Affairs Department to offer a course in New Mexico history; the use of IDEAL-NM to share locally developed courses across districts; and the possibility of training students as cyber academy tutors.

Finally, after several committee members commended IDEAL-NM for its progress and for the success of students completing online courses, Dr. Chavez-Neuman said that New Mexico cyber academy students are passing 90 to 94 percent of their online courses, in contrast to a national standard success rate of 70 percent; and that New Mexico ranked 6th nationally in online learning policy and planning. To maintain this success rate, she continued, IDEAL-NM will need adequate resources. A particular need is more permanent staff so that IDEAL-NM can avoid having to rehire temporary staff every few months.

INNOVATE-EDUCATE NEW MEXICO

Mr. David Peña, LESC staff, introduced Mr. Jami Grindatto, Director, New Mexico Corporate Affairs, Intel Corporation, for a review of the ongoing goals and objectives of Innovate-Educate New Mexico (IENM) as it relates to science, technology, engineering, and math (STEM) education in New Mexico.

Mr. Grindatto explained that IENM is an industry-led nonprofit organization of technology-oriented firms and government leaders that seek to encourage students to pursue careers in the engineering and science fields. The organization's board of directors, he stated, includes leaders from 20 information technology firms, including Apple, AT&T, Cisco, Converge Magazine, Dell, HP, IBM, Intel, Lenovo, Lockheed Martin, Microsoft, the New Mexico Technology Council, Oracle Foundation, Qwest, SAS, Schooldude, and SunGard. Included in its mission, Mr. Grindatto stated, are initiatives to:

- prioritize high-tech skill sets for New Mexico's P-20 education by building collaborative partnerships among education, business, community, and government leaders;
- partner with STEM programs and leadership from P-20 education to advance best practices and create mentoring and internship opportunities;
- promote economic development by bringing national partners to the state to advance both STEM and New Mexico's work force; and
- collaborate with community and government leaders to advance economic development in all regions of the state, with a focus on rural and underserved areas.

Mr. Grindatto reported that in May 2009 nearly 700 technology industry executives, educators, and government officials from all over the country participated in the inaugural IENM conference in Albuquerque. IENM created this event, he noted, to support the ongoing strategy of improving STEM education in New Mexico. The conference, he emphasized, concluded with the RoboRave competition that included 500 student participants from New Mexico, Texas, Arizona, Colorado, and Mexico.

According to a recent IENM news release, Mr. Grindatto stated, New Mexico will serve as a national model that delivers a systematic approach to improving engineering and science education by applying best practices in a coordinated and methodical way. New Mexico, he noted, is a good locale for this effort because of the state's diverse demographic challenges and the resources of the Mathematics and Science Bureau at PED.

To conclude, Mr. Grindatto reported that upcoming IENM events include a day focused on STEM at the Council of State Governments-West annual conference that is to be held in Santa Fe on October 6-8, 2009.

Committee Discussion:

Committee discussion focused on looking at different teaching models, including an increased focus on technology in secondary level curriculum. One committee member expressed concern that schools discourage students to bring their technology into the school by banning items such as Ipods or video games. Mr. Grindatto then told a story of a student from Rio Rancho High School who was required to do a research project using a random, but meaningful, activity. The student, he stated, decided to poke a hole in a bucket of paint and let the paint drip on paper. Through computer analysis, Mr. Grindatto explained, the student was able to prove meaning for his project. Technology, he emphasized, allows a student to become the center of learning rather than relying on the teacher to be the center of teaching.

DIRECTOR'S REPORT

a. Approval of LESC Financial Reports for February, March, and April 2009

Upon a motion by Representative Thomas, seconded by Representative Roch, the LESC financial reports for February, March, and April 2009 were unanimously approved.

b. Correspondence

Noting that correspondence items are also available on file in the LESC office, Ms. Frances Ramírez-Maestas, LESC Director, reviewed several items of correspondence in the committee notebooks, including:

- a letter on behalf of the Legislative Education Study Committee (LESC) from the Chair and Vice Chair of the LESC to the Chair and Vice Chair of the Legislative Finance Committee (LFC) requesting that both committees collaborate on an examination of the proposed public school funding formula;
- a copy of Executive Order 2009-019: Establishing the New Mexico Data Warehouse Council;

- a news release from the Governor's Office announcing more than \$250 million in federal stimulus funds for schools throughout New Mexico;
- an *Albuquerque Journal* article indicating that teacher and public employee unions have filed a lawsuit that seeks to reverse a measure passed during the 2009 legislative session requiring, effective July 1, 2009, a 1.5 percent employee contribution to their respective retirement fund;
- a letter from Mr. Winston Brooks, Superintendent, Albuquerque Public Schools, outlining the discovery of an additional \$16.0 million in operational cash and its proposed use for school year 2009-2010;
- a letter to the Secretary of Public Education outlining an evaluation by the LFC of the timeliness of fund reimbursements to school districts, charter schools, and regional education cooperatives.
- a response to the Chair and Vice Chair of the LESC from the Secretary of Public Education relating to the Public Education Department's (PED) assistance in ensuring that the intent of the Legislature is fulfilled regarding the distribution of FY 10 appropriations for dual credit instructional materials and for a \$13,000 minimum base salary for educational assistants; and
- in response to a request from the committee during its May 2009 interim meeting, a PED memorandum and attachment outlining the districts that met the maintenance of effort requirement under the *Individuals with Disabilities Education Improvement Act* in school year 2007-2008.

Committee Discussion:

Ms. Ramírez-Maestas brought to the attention of the committee a letter being written to the Secretary of Public Education from the LESC Chair and Vice Chair, on behalf of the committee, regarding a possible delay in the distribution of the appropriation for dual credit textbooks because of reported enrollment discrepancies and funding for new participation in the program. In response to these concerns, Dr. Catherine Cross Maple, Deputy Secretary, Learning and Accountability, PED, discussed measures that PED is taking to address dual credit funding, including soliciting information from individual school districts regarding their dual credit textbook expenditures. Dr. Cross Maple also noted that PED will continue to receive information from school districts at multiple points during the school year in order to better understand and more appropriately fund these expenditures.

c. 2009 LESC Interim Workplan, Adopted and Revised, and Issues for the 2009 LESC Interim Workplan

Ms. Ramírez-Maestas reported that the committee notebooks included the 2009 interim workplan adopted by the committee at the May interim meeting. She reported that the workplan may be revised in the interim to accommodate committee member requests. Also included in the committee notebooks, she added, is an issues document that provides a brief description of the proposed staff report for each topic included in the workplan.

Committee Discussion:

In response to a committee member's question regarding legislation enacted by the 2009 Legislature requiring school districts to implement, effective with school year 2010-2011, a school calendar consisting of 180 instructional days for a regular school year and 150

instructional days for districts on a variable school calendar, Ms. Ramírez-Maestas reported that school calendars would be discussed during the October 2009 interim meeting of the committee as part of the PED report on the FY 10 approved public school budgets.

The committee then discussed school district reports that PED budget staff were requesting school districts to change their school calendars to comply with the 180 and 150 instructional day requirement in school year 2009-2010, a year earlier than the required implementation date. In response Senator Nava requested that the LESC staff provide a preliminary report on this issue at the committee's August 2009 interim meeting and that PED staff be requested to include an update on school calendars in the department's presentation to the committee on FY 10 approved public school budgets.

COLLEGE AND CAREER-READY POLICY INSTITUTE: STATE PARTICIPATION

Ms. Pamela Herman, LESC staff, introduced Ms. Aimee Guidera, Director, Data Quality Campaign (DQC); Ms. Bi Vuong, Senior Associate, DQC; and Mr. Marc Frazer, Consultant, State Leadership Team, Achieve, Inc., to discuss New Mexico's participation in the College and Career-Ready Policy Institute (CCRPI).

Ms. Herman explained that, in September 2008, in a continuing effort to align high school standards, curricula, and assessments with the demands of college and the workplace, New Mexico joined seven other states and five national nonprofit partners to launch CCRPI, sponsored by the Bill and Melinda Gates Foundation. At the launch, the Institute was described as a way to help states "tackle the difficult, but essential, task of ensuring that their assessment and accountability systems are anchored in college and career-readiness, and that state education policies cohesively support this critical goal." Attachments 2 and 3 to the staff report, Ms. Herman added, list the members of the New Mexico CCRPI State Leadership Team and State Working Team.

Ms. Herman reported that CCRPI is designed to provide a structure by which state policymakers can explore critical questions in order to create a reasoned and thoughtful plan that:

- articulates the state's vision for a college and career-ready education;
- identifies a coherent framework and clear policy priorities for college and career-readiness, and describes how pursuing those priorities will lead to achieving the state's vision;
- presents the state's chosen approach for each priority area; and
- identifies the processes and resources necessary to implement the policies.

The New Mexico team, Ms. Herman noted, is using its participation in the institute to discuss policy questions and identify action steps that it judges necessary to advance the education policy created by the Legislature.

Ms. Herman emphasized that New Mexico's participation in the institute both occurs in the context of and results from initiatives established by the Legislature in recent years to increase the value of the New Mexico high school diploma and measures that were enacted to improve graduates' readiness for college and careers. These initiatives include:

- in 2003, the initiation of a P-20 longitudinal data system with legislation requiring the Public Education Department (PED) to issue a student ID number for each public school student;
- in 2005, language in the *General Appropriation Act* to create and fund a comprehensive K-12 data system at PED;
- in 2006, a \$50,000 appropriation to the LESC for the state to participate in the American Diploma Project (ADP) Network, an alliance of 35 states organized by Achieve, Inc. focused on four goals: (1) aligning high school standards and assessments with the knowledge and skills required for success after high school; (2) requiring all graduates to take challenging courses that actually prepare them for life after high school; (3) streamlining the assessment system so that the tests students take in high school also can serve as readiness tests for college and work; and (4) holding high schools accountable for graduating students ready for college or careers, and holding postsecondary institutions accountable for students' success once enrolled; and
- in 2007, legislation to:
 - require the Higher Education Department (HED) to use the PED-issued student ID number for students enrolling in higher education;
 - create the New Mexico Diploma of Excellence that, among its provisions, requires all students who enter grade 9 beginning in school year 2009-2010 to complete 24 (rather than 23) units for graduation;
 - require students, beginning in school year 2010-2011, to demonstrate competence in statutorily required subjects on a standards-based assessment or portfolio of standards-based indicators, instead of passing the current New Mexico High School Competency Exam; and
 - require school districts to administer a series of assessments to all students in grades 9-11 to determine whether they are on track for college and workplace readiness.

Mr. Frazer stated that each of eight CCRPI states (Arizona, Arkansas, Georgia, Louisiana, Minnesota, New Mexico, Ohio, and Tennessee) has assembled a team that participates in a series of in-state and national meetings and activities, where, with technical assistance from five national partners (Achieve, Inc., Education Counsel, Jobs for the Future, Data Quality Campaign, and the National Governors Association) and following a formal timeline, they are developing policies and plans in the six areas of the CCRPI framework:

- (1) **clear and rigorous goals:** setting goals and indicators that clearly establish college and career-readiness as the central driver for the state's assessment and accountability system;
- (2) **data systems:** ensuring full implementation of, access to, and use of an effective longitudinal student data system to accurately measure achievement of the indicators;
- (3) **assessments:** establishing an assessment system that measures how well students are prepared for college and careers;
- (4) **measures:** identifying and incorporating an array of measures that goes beyond assessment results to reflect progress toward college- and career-readiness;
- (5) **supports and interventions:** ensuring the availability and effective delivery of appropriate, differentiated, sustainable supports and interventions for schools and districts, based on holistic diagnostic performance reviews; and
- (6) **early warning systems, pathways, options, and models:** implementing early warning systems that identify the students most at risk of dropping out, and that link them with appropriate interventions; and creating policies that support an array of pathways to

postsecondary access and success, especially for low-income and underperforming students.

In New Mexico, Mr. Frazer noted, PED is the lead agency tasked with arranging meetings and assembling CCRPI work products. The actual work of the institute in New Mexico, however, is done by two teams: (1) a Leadership Team that provides overall policy guidance; and (2) a Working Team that meets as a whole or in focused subcommittees to develop details of the state plan.

After discussing CCRPI's 18-month timeline, Mr. Frazer identified four goals specific to New Mexico, the completion of which CCRPI feels are necessary to advancing New Mexican students' college and career-readiness: (1) increase high school graduation rates; (2) improve student math and English language arts readiness; (3) increase participation and completion among higher education institutions; and (4) increase the number of New Mexicans employed in high-wage, high-value careers.

Finally, Mr. Frazer outlined the proposed next steps to realizing these goals. They involve finalizing proposed measures, obtaining support from state officials and agencies for those measures, and including the goals in the overall plans of state agencies.

Referring to a committee handout, *Using Data to Improve Student Achievement*, Ms. Guidera outlined the current progress of states in building state data systems. She reported that, although each state's education system is unique, DQC has identified 10 elements that are essential in a longitudinal data system: (1) a statewide student identifier; (2) student-level enrollment data; (3) student-level test data; (4) information on untested students; (5) statewide teacher identifier with a teacher-student match; (6) student-level course completion (transcript) data; (7) student-level SAT, ACT, and Advanced Placement exam data; (8) student-level graduation and dropout data; (9) the ability to match student-level P-12 and higher education data; and (10) a state data audit system. She then congratulated the New Mexico Legislature for its support in achieving nine out of the 10 elements for the state's data system at PED.

She emphasized that, while the state still needs to focus on the implementation of element 7 associated with a college readiness score, other challenges still exist for the state including the development of a governance plan for a P-20 data system; the inclusion of pre-K and higher education institution data; the need for funding and time to implement an expanded data system; common definitions, code, and data standards; and the development of memoranda of understanding among agencies for data-sharing.

Ms. Guidera reported that New Mexico is in a good position to take advantage of federal *American Recovery and Reinvestment Act* funding to support the state's longitudinal data system. She noted that \$250 million in competitive grants to states is to be awarded by the Institute of Education Sciences (IES), US Department of Education (USDE), based not only on the implementation of the 10 essential DQC elements but also the inclusion of postsecondary and work force data. She stated that the final request for application is expected to be finalized by IES by the end of June 2009. She stressed the importance of addressing any barriers to data-sharing that would hinder the state's ability to secure grant funding.

Using the same committee handout, Ms. Vuong outlined what the DQC has determined to be the 10 state actions necessary to ensure effective data use:

- (1) linking state K-12 data systems with early learning, postsecondary education, work force, social services, and other critical state agency data systems;
- (2) creating stable, sustained support for robust state longitudinal data systems;
- (3) developing governance structures to guide data collection, sharing, and use;
- (4) building state data repositories that integrate student, staff, financial, and facility data;
- (5) implementing systems to provide stakeholders timely access to the information they need while protecting student privacy;
- (6) creating progress reports with individual student data to provide information that educators, parents, and students can use to improve student performance;
- (7) creating reports that include longitudinal statistics on school systems and groups of students to guide school, district, and state-level improvement efforts;
- (8) developing a purposeful research agenda and collaborating with universities, researchers, and other groups, to explore the data for useful information;
- (9) implementing policies and promoting practices to ensure that educators know how to access, analyze, and use data appropriately; and
- (10) promoting strategies to raise awareness of available data to ensure that stakeholders, including state policymakers, know how to access, analyze, and use the information.

Ms. Vuong then recognized Dr. Peter Winograd, Director, Office of Education Accountability at the Department of Finance and Administration, for his pivotal role in the formulation of some key policy and political questions (also known as the “Killer Questions”). These questions, she emphasized, address student preparedness, success, and related funding, and they are designed to mirror questions legislators are likely to ask when looking at education data for New Mexico.

Committee Discussion:

Addressing a committee member’s comment relating to identifying the performance of teachers, Ms. Guidera informed the committee that, once states have implemented a statewide teacher identifier with a teacher-student match, which is element five of the 10 DQC essential elements, a state should be able to link student achievement data to a specific teacher. She cautioned, however, that there are many factors to consider in assessing the performance of a teacher, not solely the progress of a student.

In response to a committee member’s question on the metrics examined to predict college and career-readiness, Mr. Frazer displayed a graph showing that, in addition to mathematics and English language arts, timely credit accumulation, credit recovery, performance on aligned assessments, and, eventually, grades and graduation will all be factors in determining a student’s college or career-readiness.

There being no other business, the Chair with the consensus of the committee, recessed the LESC meeting at 3:55 p.m.

**MINUTES
LESC MEETING
Tuesday, June 23, 1009**

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) meeting to order Tuesday, June 23, 2009, at 9:25 a.m., in the State Capitol, Room 322, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Mary Jane M. García, and Gay G. Kernan; and Representatives Rick Miera, Vice Chair, Roberto “Bobby” J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Jack E. Thomas.

The following LESC advisory members were present:

Senators Vernon D. Asbill, John Pinto, and Sander Rue; and Representatives Andrew J. Barreras, Eleanor Chávez, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Karen E. Giannini, and Shirley A. Tyler.

PROPOSED PUBLIC SCHOOL FUNDING FORMULA

Mr. Peter van Moorsel, LESC staff, reviewed the proposed funding formula as it was considered by the Legislature during the 2008 and 2009 sessions. He explained that the LESC had endorsed legislation in both sessions to implement a new formula based on a two-year study by the American Institute of Research (AIR). Mr. van Moorsel reported that, although the legislation had been amended to address concerns from groups including the business community, advocates for gifted education programs, and some school districts, the legislation did not pass.

Mr. van Moorsel reported that the proposed formula, like the current funding formula, is based on the principle that the education of a child should not be dependent upon the wealth of the community in which that child lives. He said that both formulas provide a means of distributing dollars equitably, albeit differently:

- the current formula establishes the educational need of each school district based on the number of students participating in legislatively mandated programs and the cost differentials assigned to these programs; and
- the proposed funding formula begins with the base per-student cost, which is multiplied by a series of cost factors including four measures of student need: poverty, English language learners, special education, and mobility.

Mr. van Moorsel summarized the LESC funding formula hearings that were held during the 2008 interim. He stated that school district superintendents and representatives of charter schools reported how they would use any additional funding resulting from the implementation of the new funding formula. Mr. van Moorsel noted that two points of discussion during those hearings – accountability via the Educational Plan for Student Success (EPSS) and funding sources for the implementation of the formula – would be addressed at this LESC meeting.

a. Educational Plan for Student Success Pilot

Dr. Veronica C. García, Secretary of Public Education, provided the committee with a presentation on the EPSS. She stated that the EPSS is a district-level, student-centered, long-range strategic plan to improve academic achievement and success for all students. She added that the EPSS is implemented at the school level through site-specific school plans developed by each public school and that both the school plans and the district EPSS emphasize parental and community involvement.

Secretary García discussed the LESC subcommittee that examined how the EPSS could be used as an accountability tool to ensure that the new money generated under the proposed funding formula is used to support programs. Secretary García discussed the subcommittee proposal that the EPSS be used as an addendum to a district or charter school budget to address two levels of accountability:

- (1) a basic educational programming checklist including such items as bilingual and multi-cultural education, career-technical education, art and music, gifted education, and special education; and
- (2) a connection between program outcomes and performance indicators. The second level of accountability, she explained, would require an EPSS budget review team to:
 - examine the results of standards-based assessments and short-cycle assessments;
 - review the operating budget for that fiscal year;
 - align the assessment results with the budget; and
 - make program recommendations based on performance indicators.

Secretary García stated that the department cooperated with the federally funded Southwest Comprehensive Center to develop and pilot an online tool that would allow the Public Education Department (PED) and school districts to conduct the EPSS approval process electronically and that would allow PED to collect data directly from a district's EPSS. She reported that the pilot would begin in school year 2009-2010 and would include two charter schools and 26 school districts.

Secretary García said that accountability components in the EPSS framework include:

- long-range strategic plan for districts and schools;
- a continuous improvement model with target goals;
- standards of excellence and other state and federal requirements; and
- specific, measurable, attainable, realistic, and time-bound goals.

Committee Discussion:

In response to a committee member's question regarding due process on budget cuts by PED if districts are not meeting EPSS benchmarks, Mr. Steve Burrell, School Finance Director, PED, stated that if a district and PED disagree then PED has the authority to approve the budget, as provided in statute.

In response to a committee member's question how large high schools address the EPSS, Assistant Secretary Sheila Hyde, Quality Assurance & Systems Integration Division, PED,

explained that districts form leadership teams to address needs and topics to complete portions of the EPSS.

In response to a committee member's question how to address schools that are not meeting education standards, Secretary García stated that one possible option would be a national curriculum around core standards. She said that such standards would not come from the federal government but from national associations; and they could comprise a set of core standards to which localities could add curriculum to address cultural issues and state histories.

In response to a committee member's question regarding a lack of parental involvement in the EPSS materials for this meeting, Secretary García clarified that parent involvement in site-based councils is mandated in statute. She noted that there is a correlation between parent involvement and student achievement, and added that increasing parental involvement requires a cultural shift. She also stated that PED has provided booklets on at-home parental involvement in children's education, in Spanish and English, to all elementary schools.

b. Review of Proposed Revenue Sources

Mr. van Moorsel introduced three economists from state agencies who were available for questions related to proposed funding sources for public schools: Mr. Jim Nunns, Tax Policy Director, Taxation and Revenue Department; Dr. Laird Graeser, Chief Economist, Department of Finance and Administration; and Dr. Tom Clifford, Chief Economist at the Legislative Finance Committee (LFC).

Mr. van Moorsel reported that in January 2009 the contractor for the funding formula study, AIR, estimated that funding marginal sufficiency would cost \$345.3 million. He then reviewed the legislation considered in 2008 and 2009 to finance the implementation of the proposed funding formula.

Mr. van Moorsel stated that, to ensure that sufficient funding would be available, the 2009 funding formula legislation included a contingency clause providing that the formula would not be implemented unless legislation generating revenue for the formula's implementation were enacted and resulted in at least \$350 million in additional state revenue for FY 11. To generate the required funding, Mr. van Moorsel reported, legislation was introduced in 2009. He said the bill, which did not pass, would have:

- added an "education surtax" of 0.75 percent to the state Gross Receipts Tax (GRT) and to the state Compensating Tax; and
- appropriated the first \$600,000 of the revenue raised from the education surtax to PED for expenditure in FY 10 and FY 11 for costs associated with preparing for the implementation of the proposed funding formula.

In 2009, Mr. van Moorsel reported, the approach to funding the implementation of the new funding formula differed significantly from that taken in 2008 when, rather than using a single increase in the GRT, several pieces of legislation were introduced for the Funding Formula Study Task Force. He said these bills, none of which passed, included:

- increasing tax revenue by changing the way corporations made up of two integrated corporations file income taxes; and transferring 20 percent of corporate income tax revenue to the Public School Fund;
- ending the yield control on school mill levies;
- increasing the gross receipts and compensating tax;
- increasing school tax rates on oil and other liquid hydrocarbons; and
- amending the constitution to increase the annual distribution from the Land Grant Permanent Fund to 6.5 percent (from 5.0 percent).

Committee Discussion:

The discussion centered on questions for the three economists regarding the merits of potential sources to support the new funding formula. In response to questions from committee members on the GRT, Dr. Graeser said that the state likely will not see an increase in the GRT until at least 2013.

In response to concerns regarding natural gas revenues, Dr. Clifford said that revenues are down somewhat. He said that the best indicator of gas revenue is the futures market, which predicts only one year into the future. He noted that natural gas supply information is mixed; production is up due to technological improvements; and it will likely be an adequate source of energy in the next 100 years. However, he said that the number of drilling rigs has been reduced by half.

In response to a committee member's concern that a better picture of oil and gas is needed to predict state resources, Dr. Graeser stated that future prices are substantially above the current prices of oil. In terms of natural gas, he also spoke of technological gains like horizontal drilling that are likely to increase the supply of natural gas.

In response to a committee member's question regarding the effect of two proposals on state revenues – an increased distribution from the Land Grant Permanent Fund or increased millage on statewide property tax – Dr. Clifford said that both sources are stable, predictable, and expected to grow in the long term. Regarding property tax, he indicated that residential values will continue to grow even in the current economy. Mr. Nunns noted that benefits generally accrue to homeowners who pay higher taxes, which would positively affect homeowner property values. Dr. Graeser said that the proposed state tax increase would probably not raise individual property tax significantly; however, Dr. Clifford stated that the variance in tax rates from jurisdiction to jurisdiction would create an uneven picture of property tax increases in localities.

In response to committee members' questions regarding New Mexico's reliance on GRT, Dr. Clifford reported that the GRT is three times as large as the income and property taxes. The main problem is the pyramiding problem – the business-to-business tax imposed by GRT which is a competitive disadvantage for small businesses.

c. Business Perspective

Mr. van Moorsel introduced Mr. Larry Langley, President and CEO, New Mexico Business Roundtable for Educational Excellence (NMBREE); and Dr. Beverlee J. McClure, President and CEO, Association of Commerce and Industry of New Mexico (ACI), to discuss concerns expressed by representatives from the business community regarding the proposed public school funding formula during the 2009 legislative session. The main concerns were:

- the identification of a sufficient and sustainable revenue source for the funding formula; and
- accountability measures to ensure that the public is comfortable with this use of taxpayer money.

Mr. Langley said that the NMBREE, which represents 20,000 business leaders, has focused on education for the past 10 years. Regarding the proposed funding formula, Mr. Langley said that the Business Roundtable was concerned that some school districts would lose funding if the new formula were implemented. He added that the NMBREE wanted to make sure that schools were held harmless under the new formula. Mr. Langley reported that, given recent changes in the use of the EPSS, he believes that the NMBREE could support the new funding formula in terms of accountability. Provided that districts are held harmless under the new formula, he said that he supported the passage of the new funding formula during the next legislative session.

Dr. McClure said that the ACI serves as a statewide chamber of commerce connected with all local chambers of commerce in New Mexico. She added that the business community has long supported education; however, businesses opposed an increase in the GRT. Dr. McClure stated that even though the proposed funding formula is valid in today's economy, ACI could not support an increase in the GRT either. She emphasized that fiscal accountability must be a part of the funding formula; and she questioned not only the funding level needed to implement the formula, but also the return on this investment.

Committee Discussion:

In response to a committee member's question regarding the cost to hold harmless those school districts that would lose under the new formula, Mr. Paul Aguilar, LFC staff, stated it would be \$68.0 million, based on 2006 costs.

In response to a committee member's question if ACI would recommend funding sources for the new funding formula, Dr. McClure suggested that the Legislature look at broad-based resources rather than focusing on a narrow tax base. Mr. Langley stated that the funding source would need to generate enough to sufficiently fund education; and he said that the NMBREE was reviewing options to provide the sources and amount of funding that would do the least damage to business.

In response to a committee member's question whether the business community would support a property tax increase as a source for the funding formula, Dr. McClure said ACI would consider it more palatable than the GRT because it is broad-based. She recommended a sunset and an evaluation period for any new funding source.

In response to a committee member's question if the business representatives have reviewed the LESC report on the 89 school districts and how they would use funds provided in a new formula, both Mr. Langley and Dr. McClure said no. Dr. McClure said the question is not how districts would spend the funds but rather what would be the educational impact of the increased funding.

In response to a committee member's question regarding the estimated cost to sufficiency, Ms. Jonelle Maison, Legislative Council Service staff, clarified that the amount needed for sufficiency will change as demographics and education data change. She said that the proposed funding formula bill encompassed a 10-year period, after which a new study of sufficiency would be needed.

READY FOR COLLEGE 2009 REPORT

Ms. Eilani Gerstner, LESC staff, presented a summary of the *Ready for College 2009* report provided by the Office of Education Accountability (OEA), Department of Finance and Administration, in collaboration with the Public Education and Higher Education departments. Ms. Gerstner said that *Ready for College 2009* reported on the number and percentage of recent New Mexico high school graduates in the classes of 2000 through 2008 who required remediation in their first year at a state public postsecondary institution.

Ms. Gerstner summarized the report findings for the fall 2008 semester:

- 50.2 percent of the 9,363 New Mexico students who went directly from high school to a state public postsecondary institution took at least one remedial course;
- achievement gaps existed among ethnic groups, whose remediation rates were as follows:
 - approximately 35 percent for Asian and Caucasian students;
 - over 50 percent for Hispanic and African-American students; and
 - almost 70 percent for Native American students;
- remediation rates were higher for math than for reading;
- among in-state students, remediation rates varied by type of school:
 - 45.4 percent for charter schools;
 - 50.2 percent for public high schools;
 - 50.7 percent for GED certificates; and
 - 69.9 for alternative high schools; and
- remediation rates among high schools ranged from 15 to 83 percent; and among charter schools, from 23 to 80 percent.

Ms. Gerstner noted that *Ready for College 2009* contained an analysis of the relationship between remediation rates and proficiency on the 11th grade standards-based assessment scores for over 6,883 students. She said the study found a strong correlation between success on the 11th grade assessment and college readiness; however, the analysis also disclosed some disparities in these results:

- remediation rates for students who scored proficient or above on 11th grade assessments varied by ethnicity, from a low of 7.9 percent for Asian students to a high of 49.4 percent for Native Americans; and
- remediation also varied by postsecondary institution. For example, in reading, rates varied:
 - among branch university campuses, from a high of 46 percent at the University of New Mexico (UNM)-Gallup to a low of 14 percent at UNM-Los Alamos; and
 - among independent community colleges, from a high of 42 percent at Santa Fe Community College to a low of zero at Mesalands Community College.

Ms. Gerstner suggested that one variable to investigate in attempting to understand these variations may be course-taking in 12th grade. She said some New Mexico-based research

indicates that the math and language arts courses students take in 12th grade, as well as the highest level of mathematics ever taken, influence college course placement.

- In 2007, an LESC staff report on remediation included the results of a 2006 joint study of college-level course placement of Albuquerque Public Schools (APS) high school graduates at Central New Mexico College (CNM).
- The study showed that, in general, the more rigorous their high school courses, the more likely students were to be placed into college-level courses.
- The study also showed that students who did not take a mathematics course in their senior year were less likely to be placed into college-level mathematics courses.

Ms. Gerstner introduced Dr. Peter Winograd, Director, OEA, who provided the committee with a detailed PowerPoint presentation and handouts on the *Ready for College 2009* report.

Dr. Winograd focused his presentation on the potential of a P-20 data system to inform policy. He said that, with a concerted effort underway to establish the system, the question then becomes how to use it. He distinguished among three types of questions for which policymakers need answers: data questions, policy questions, and political questions. He said examples of data questions are: how many students need remediation; and, does that need go down as high school redesign is implemented? Policy questions include: what changes in laws and regulations are needed to increase the rate of students who graduate from high school ready to succeed in college; what funding will be needed; and, where will it come from? Among the political questions are: what power does it take to implement a policy; and, who are the necessary partners? Dr. Winograd said that data and policy questions are noted in the report.

Dr. Winograd noted some highlights from the *Ready for College 2009* report:

- the number of public high school graduates who attended college in New Mexico has increased from 6,696 in 2000 to 9,363 in 2008;
- the rate of graduates needing remediation – 50.2 percent – has not changed significantly since 2002;
- many students take more than one remedial course: approximately 16 percent took two remedial classes in 2008, and 8.5 percent took three or more;
- the strong negative correlation between how students performed on 11th grade assessments and their need for remediation was good; but variations based on ethnicity and type of postsecondary institution left unanswered questions; and
- the difference between charter schools and public high schools in remediation rates is probably not large enough to be statistically significant, but it is worth exploring as charter high school enrollments rise.

In light of the variation in data on high school graduates in New Mexico, Dr. Winograd cited a Harvard University study of family support for students attending college that found that a student who had a parent with a BA was five times more likely to earn a BA than a student whose parents did not have a degree. Dr. Winograd said there is a need to discuss how to add family counseling to support these students.

Dr. Winograd thanked the Chair for sponsoring and the Legislature for passing legislation (Laws 2009, Chapter 7) to require postsecondary institutions, on request, to provide first-year college student outcome reports to high schools of origin, which he said will be an important tool to measure how well high school courses align with college expectations.

Regarding disparities in remediation rates for students proficient on 11th grade assessments, Dr. Winograd emphasized that communication among colleges is needed about cut scores and placement practices and the question of what it means to be ready for college. Needing careful study, he said, are how proficiency levels on high school assessments and cut scores on college assessments are determined, how they relate to one another, and what they communicate to students, parents, and educators who rely on them.

Dr. Winograd noted the policy recommendations contained in the report, which are to:

- ensure that proficient and above on the New Mexico Standards-Based Assessment means prepared for college;
- examine the impact of existing college placement policies on student success in college;
- communicate college entry standards to high school students and related audiences; and
- enhance the capacity of data and performance measurement systems to track and analyze remedial education outcomes.

Finally, Dr. Winograd observed that the analyses contained in the report show how longitudinal data can help inform improvements in transition from high school to college, and that the same holds for the entire P-20 spectrum. He referred to the 12 elements needed in a P-20 data system for New Mexico to receive federal stimulus funds, found on pages 48-49 of the *Ready for College 2009* report.

Committee Discussion:

In response to a question from the Chair regarding what the eight-year data show regarding the direction New Mexico is going, Dr. Winograd reported that the remediation rate in New Mexico has not gone down. However, he said it is important to keep in mind that several of the high school redesign initiatives are just beginning this year and that their impact will not be felt for at least four years.

In response to committee members' questions about college placement tests and their alignment with the New Mexico Standards-Based Assessment, Dr. Winograd said that, in general, the standards-based assessment and the primary placement tests (Compass and Accuplacer) are aligned; however, he said that they are not well enough aligned. Dr. Catherine Cross Maple, Deputy Secretary, Learning and Accountability, Public Education Department (PED), responded that the work of Achieve, Inc., the American Diploma Project, and the College and Career-Ready Policy Institute aim precisely at the alignment of curricula and assessment, with the intent to find an anchor assessment that will predict success.

In response to a committee member's question about the source of the data in the report, Dr. Winograd responded that the data came from higher education institutions' databases.

In response to a suggestion from the Chair that the state should look at alignment of standards-based assessment and the ACT scores, Dr. Winograd agreed, and said that his office is beginning to unpack these data.

OFFICE OF EDUCATION ACCOUNTABILITY INTERIM INITIATIVES

Dr. Peter Winograd, Director, Office of Education Accountability (OEA), Department of Finance and Administration, presented the committee with an overview of the OEA 2009 Work Plan, which was included in committee members' notebooks.

Dr. Winograd highlighted 10 areas where the OEA, working with the Public Education Department (PED), Higher Education Department (HED), the LESC, and the Legislative Finance Committee (LFC), will focus its efforts in 2009, including:

- school principal leadership initiatives;
- high school redesign and college readiness;
- the P-20 longitudinal data system;.
- early childhood programs;
- teacher quality;
- the Children's Cabinet and the statutorily mandated New Mexico children's budget;
- *American Recovery and Reinvestment Act* (ARRA) grant funds;
- school district fund reimbursements;
- issues related to school nurse and counselor competencies, career pathways, accountability programs, and working conditions; and
- the impact of improved facilities on student learning.

There being no other business, the Chair, with the consensus of the committee, recessed the meeting at 4:20 p.m.

MINUTES LESC MEETING Wednesday, June 24, 1009

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) meeting to order Wednesday, June 24, 2009, at 9:07 a.m., in the State Capitol, Room 322, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Mary Jane M. García, Gay G. Kernan; and Representatives Rick Miera, Vice Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Jack E. Thomas.

The following LESC advisory members were present:

Senators Vernon D. Asbill, John Pinto, and Sander Rue; and Representatives Andrew J. Barreras, Eleanor Chávez, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, and Shirley A. Tyler.

LEGISLATIVE FINANCE COMMITTEE (LFC) PROGRAM EVALUATION: INVESTMENTS IN EARLY CHILDHOOD PROGRAMS

Dr. David Harrell, LESC staff, introduced Mr. Manu Patel, Deputy Director for Program Evaluation, LFC, and Ms. Pamela Galbraith, Program Evaluator, LFC, for a report on LFC's evaluation of early childhood programs. Dr. Harrell indicated that representatives of several state agencies were in the audience and available for committee questions, including: Dr. Marisol Atkins, Deputy Secretary, Children, Youth and Families Department (CYFD); Dr. Catherine Cross Maple, Deputy Secretary, Learning and Accountability, Public Education Department (PED); Ms. Jeannie Martinez, Bureau Chief, Early Childhood, PED; Dr. Jack Callahan, Director, Public Health Division, Department of Health (DOH); Ms. Jolene Maes and Dr. Mary Dudley, both with the Child Development Board.

Referring to the LESC staff brief in the committee notebooks, Dr. Harrell reported that the LFC report in many ways complements previous studies by the LESC. He noted that the LESC has long understood the importance of early childhood education (ECE) programs, especially as a means of closing the achievement gap between disadvantaged students and other students. He emphasized that, during every interim since 1998, the LESC has heard testimony about ECE from multiple perspectives and from a wide range of presenters, including parents, program directors (both public and private), agency or bureau heads, board members, outside experts, cabinet secretaries, and the Lieutenant Governor. Dr. Harrell then outlined a chronology of the LESC's studies, emphasizing that a recurring theme through much of the testimony to the committee was the need for better statewide coordination of ECE programs, which is the primary recommendation of the LFC report.

Mr. Patel reported that the LFC evaluation provides more recent information about the ECE programs that have already come to the attention of the LESC. He noted that the LFC report is more comprehensive than the LESC's previous studies in that it examines not only educational programs but also programs in two other categories: family support and health. Altogether, he stated, the LFC evaluation includes information about some 17 discrete programs, not all of them state-funded. Mr. Patel emphasized that, as the report itself explains, the LFC:

- reviewed research on the effectiveness and return on investment of certain programs or strategies that can positively impact very young children;
- assessed the level of state investment in early childhood programs, including prenatal care; and
- assessed performance results of selected programs, implementation of best practices, and efforts to reduce or eliminate duplication of effort.

After outlining the purpose and approach of the LFC review, Ms. Galbraith stated that the primary recommendation of the LFC program evaluation is that, while efforts to improve the outcomes for very young children are worth public investment, a significantly more coordinated public effort is needed to ensure that these investments result in desired outcomes.

Among other points, Ms. Galbraith discussed the importance of a child's early years in beginning and continuing brain development; the value of evidence-based home visiting programs; positive external evaluations of New Mexico PreK; and a proposal by some executive agencies to create an early childhood collaborative, composed of a sub-set of departments that participate in the Children's Cabinet to focus exclusively on early childhood issues.

Ms. Galbraith said that, the LFC program evaluation found that years of rigorous evaluation have demonstrated that public investment in early childhood programs can improve long-term child outcomes that more than pay for the initial cost. However, multiple administering state departments and a fragmented local delivery system complicate implementation of a well-coordinated early childhood system.

Among the other more particular recommendations, Ms. Galbraith added, the LFC evaluation calls for:

- reducing the administrative costs of New Mexico PreK, which the report says average between 17 and 20 percent when the term “administrative costs” is defined to include not only staff salaries but also technical assistance, data collection, and program evaluation, among other components;
- strengthening the home visiting program currently operated by CYFD and having the DOH implement a particular home visiting model called Nurse-Family Partnership, which the LFC report calls the “gold standard” in home visiting programs; and
- integrating New Mexico PreK, Head Start, Title I programs, and IDEA-supported preschool “into a single publicly funded preschool system.”

Ms. Galbraith said that the LFC report concludes that avoiding the duplication of programs and reducing administrative costs could save approximately \$4.2 million each year, savings that could be redirected to other programs or allow additional children to be served.

To conclude, Dr. Harrell, reported that, through a single letter signed by four cabinet secretaries – Education, CYFD, DOH, and the Human Services Department – the agencies whose programs were reviewed offered their responses to the methods and findings of the LFC program evaluation. On one hand, he stated, the secretaries said that they concurred with “many of the ideas and recommendations set forth” in the evaluation; on the other hand, however, they took exception to certain findings and recommendations. In particular, he stated, the secretaries contend that:

- “the report does not sufficiently describe or reflect the level of collaboration and alignment already taking place amongst state agencies and community stakeholders, nor does it illustrate the depth of complexity involved in building a holistic, efficient and effective public system for the delivery of early childhood services”;
- contrary to assertions in the report, the home visiting programs are required to implement “evidence-based home visiting services,” the program needs more diverse approaches than the Nurse-Family Partnership alone, and the home visiting program should remain in CYFD; and
- regarding the administrative costs for New Mexico PreK, the secretaries disagree that such expenses as external evaluation, training and technical assistance, and data collection should be included in the computation. “Rather, PreK administrative costs for salaries, benefits, travel (program monitoring and site visits), and other related costs” have been 7.0 percent, below the 10 percent statutory cap.

Committee Discussion:

Several committee members expressed their concern that the LFC’s recommendation to reduce administrative costs was based on a very broad definition of the term. In response to a

committee member's question, Dr. Harrell said that state law does not define the term "administrative cost" in general and that individual agencies use varying definitions of their own. One committee member cautioned the LFC program evaluators from using and reporting their own interpretation of what constitutes administrative expenditures especially if these costs are not defined in law.

In response to a committee member's question, Mr. Patel said that the LFC staff had not visited any early childhood programs as part of the review. Given that information, two committee members cautioned the LFC staff about using the term "program evaluation" when no actual programs had been observed.

A committee member expressed concern that K-3 Plus program funding does not become available to school districts until July 1 of each year and that school bus transportation funding is not provided. Dr. Cross Maple suggested that the Legislature might want to consider funding the K-3 Plus program as a special appropriation, which would allow dollars to be available to school districts in both the current and subsequent school year. She also suggested that school transportation for the program be funded just as to- and from-school transportation is funded.

In response to a committee member's question regarding equal funding of New Mexico PreK and K-3 Plus, Dr. Cross Maple reported that, when the *Pre-Kindergarten Act* was passed and signed into law in 2005, the act included a temporary clause directing that any money appropriated for prekindergarten programs in FY 05 through FY 07 be equally divided between PED and CYFD. She stated that, although there is no longer any statutory requirement to do so, PED and CYFD informally agreed to maintain the equal distribution of appropriated program funds. For FY 10, the Governor vetoed legislation that would have required any legislative appropriations to the New Mexico PreK program to be divided equally between PED and CYFD. In his veto message, she added, the Governor stated that the legislation would have removed the discretion on necessary to make funding determinations based on need, prioritization, and student achievement goals.

Two committee members requested a list of the teachers in New Mexico PreK that shows their academic credentials, their licensure or certification levels, and their years of experience in early childhood education.

ADJOURNMENT

There being no further business, with the consensus of the committee, Senator Nava adjourned the LESC meeting at 11:28 a.m.


_____ Chairperson

11-16-09
_____ Date